HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 19932 of 2007

Between:

Kurakula Venkateshwar Rao
And twenty four others.

… Petitioners

AND

The Chairman,
Power Grid Corporation of India,
New Delhi and seven others.

… Respondents

: ORDER :

Counsel for the petitioners : Shri G. Krishna Murthy

Dated: 20th September, 2007

Per G.S. SINGHVI, CJ.

In this petition filed in the name of public interest litigation, the petitioners have prayed as under:

> "… … Hon'ble Court may be pleased to issue a writ or direction or order more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in laying of 400 KVA High Tension power lines through and over the tank of an extent of Ac.12.00 covered by Survey No.151, 152 and 157, Punyakshetram village, Bhupalpatnam Panchayat, Rajanagaram Mandal, East Godavari District as arbitrary, illegal, ultravires and unconstitutional and contrary to the provisions of wild Life Prohibition (Act 16 of 2003) Protection Act, 1972 and the Electricity Act of 2003 and the rules made therein, and direct the respondents to divert and shift the 400 KVA lines to the western side of the tank to safeguard the lives of the migratory birds of Kolleti Kongalu open billed storks in greyharvons or to a place where it do not endanger the lives of the migratory birds of Punyakshetram village and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

After arguing the case for some time, Sri G. Krishna Murthy, learned counsel for the petitioners made a request that his clients may be permitted to withdraw the writ petition at this stage with liberty to make a comprehensive representation to the Power Grid Corporation of India (for short "the Corporation") against the laying of 400 KVA High Tension lines through their village by pointing that the same is likely to affect the wild life and the ecology of the area and also make an application under the Right to Information Act, 2005 for making available copy of the scheme framed by the Corporation.

The request of the learned counsel is accepted and the writ petition is dismissed as withdrawn with liberty in terms of the prayer

made.

If the representation of the petitioners is not considered by the competent authority of the Corporation within a reasonable time, then they shall be free to file fresh petition on the same cause.

As a sequel to dismissal of the writ petition as withdrawn, WPMP.No.25698 of 2007 filed by the petitioners for interim relief is disposed of as infructuous.

G.S. SINGHVI, CJ.

C.V. NAGARJUNA REDDY, J.

Date: 20.09.2007
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